THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.30774 OF 1998

DATED: 26-03-2007

Between :

1. K. Limba Reddy and 9 others. ... Petitioners

And

1. Union of India, rep. by its Secretary, Dept. of Telecommunications, Central Secretariat Building, New Delhi., And 2 others. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.30774 OF 1998

ORDER :

The petitioners were permitted by the Department of Telecommunications for locating ISD/STD/PCO telephone booths at several places in Nizamabad District pursuant to the Self-employment Scheme made by the Government of India. On the basis of the same, separate agreements were entered into between the Department of Telecommunications and the petitioners under which the petitioners required to pay Rs.10,000/- towards security deposit. The petitioners stated that they have deposited the said amounts and the agreements were entered into and they have been operating the STD booths. While so, the impugned communications were issued by the respondents demanding the petitioners to pay a sum of Rs.29,000/- towards security deposit. The petitioners contended that under the agreement there is no such provision for enhancing security deposit and at any rate without giving any opportunity to the petitioners to raise their objections against the enhancement, the respondents ought not to have unilaterally enhanced the security deposit. Hence, this writ petition.

This Court while directing Rule Nisi, by order dated 5-11-1998 granted interim stay of disconnection.

None of the respondents have chosen to file any counter-affidavit and the interim order granted on 5-11-1998 continued to be in operation throughout.

Having regard to the facts and circumstances of the case and in

the absence of any counter-affidavit by the respondents, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioners to submit their objections, if any, to the impugned communications under which the petitioners were required to pay a sum of Rs.29,000/- towards security deposit within four weeks from the date of receipt of this order. On receipt of such objections, the respondents shall consider the same and pass appropriate orders in accordance with law. Till such time, the telephone connections of the petitioners shall not be disconnected. No costs.

_____

G. ROHINI, J.

Dt. 26-3-2007

gbs